

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

TIMOTHY AMACHER,	)	
	)	
Plaintiff	)	
	)	
v.	)	No. 4:04-cv-025
	)	
JO ANNE B. BARNHART,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant	)	

**MEMORANDUM AND ORDER**

This matter was referred to a United States Magistrate Judge of this district pursuant to 28 U.S.C. § 636(b), Rule 72(b), Federal Rules of Civil Procedure, and the Rules of this court for a report and recommendation regarding disposition of plaintiff's motion for summary judgment or, in the alternative, motion for judgment on the pleadings [Court File #11] and defendant's motion for summary judgment [Court File #15]. In a report and recommendation dated June 10, 2005, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has submitted a timely objection to the report and recommendation.

Upon a *de novo* review of the record in this case, the magistrate judge's report and recommendation, and the plaintiff's objection thereto, I am in agreement with the United States magistrate judge. Specifically, there is substantial evidence in the record to indicate that Dr. Daniels' medical statement regarding plaintiff's residual functional capacity is inconsistent with the medical evidence and with the opinions of other physicians of record. There is substantial evidence in the record to support the conclusion that there are a significant number of jobs in the national and regional economies which the plaintiff could perform, as were identified by a vocational expert at plaintiff's hearing.

Accordingly, the report and recommendation of the United States Magistrate Judge [Court File #22] is hereby ACCEPTED IN WHOLE. Plaintiff's motion for summary judgment or, in the alternative, motion for judgment on the pleadings [Court File #11] is DENIED, defendant's motion for summary judgment [Court File #15] is GRANTED, and the final decision of the defendant Secretary is hereby AFFIRMED.

**ENTER :**

s/ **James H. Jarvis**  
UNITED STATES DISTRICT JUDGE